

The Gazette of India

EXTRAORDINARY
PART II—Section 2
PUBLISHED BY AUTHORITY

No. 36] NEW DELHI, FRIDAY, AUGUST 6, 1954

PARLIAMENT SECRETARIAT

NOTIFICATION

New Delhi, the 6th August 1954

No. CS.7(34)/54-L.—Under rule 49 of the Rules of Procedure and Conduct of Business in the Council of States, the Chairman has been pleased to order the publication in the Gazette of India of the following Bill together with the Statement of Objects and Reasons accompanying it, and the Bill and the Statement of Objects and Reasons are accordingly published for general information:—

(TO BE INTRODUCED IN THE COUNCIL OF STATES)

BILL No. XV OF 1954.

...

A Bill to provide for the extension of the law relating to the punishment of the offence of unlawful possession of railway stores, as now in force, to the whole of India and to re-enact its provisions.

BE it enacted by Parliament in the Fifth Year of the Republic of India as follows:—

1. Short title, extent and commencement.—(1) This Act may be called the Railway Stores (Unlawful Possession) Act, 1954.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. Definition.—In this Act, “railway stores” includes any article used or intended to be used in the construction, operation or maintenance of a railway.

3. Unlawful possession of railway stores.—Whoever is found, or is proved to have been, in possession of any article of railway stores

shall, if the court sees reasonable grounds for believing such article to be or to have been the property of any railway administration, unless he proves that the article came into his possession lawfully, be punishable with imprisonment for a term which may extend to five years, or with fine, or with both.

4. Repeals and savings.—(1) The Railway Stores (Unlawful Possession) Ordinance, 1944 (XIX of 1944), is hereby repealed.

(2) If, immediately before the commencement of this Act, there is in force in any part B State, to which this Act now extends, any law which corresponds to this Act, that corresponding law also shall, on such commencement, stand repealed.

(3) Section 6 of the General Clauses Act, 1897 (X of 1897), shall apply to the repeal by this Act of the Railway Stores (Unlawful Possession) Ordinance, 1944 (XIX of 1944), or of any corresponding law as if the Ordinance or the corresponding law, as the case may be, were an enactment.

STATEMENT OF OBJECTS AND REASONS

The Railway Stores (Unlawful Possession) Ordinance 1944 (XIX of 1944) was promulgated on the 13th May, 1944, with a view to preventing persons from having unlawful possession of articles of railway stores, a thing of frequent occurrence towards the end of the last war. This Ordinance is still in force by virtue of the provision contained in sub-section (3) of section 1 of the India and Burma (Emergency Provisions) Act, 1940 (a law enacted by the British Parliament on the 27th June, 1940). It extends to the whole of former British India, that is, the whole of India except the present Part B States. In order to check smuggling of railway stores of considerable value to Part B States where the said Ordinance is not in force and to meet certain other difficulties which are being experienced in launching prosecution against smugglers or culprits in those States, it has become necessary to extend the scope of the said Ordinance to these States. The present Bill seeks to achieve this purpose.

O. V. ALAGESAN.

NEW DELHI;
The 18th May, 1954.

S. N. MUKERJEE,
Secretary.